

OCT 21 2010

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

CIVIL NO. 3:10cv432-RJC-DSC

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
APPROXIMATELY \$101,990.58 IN)
UNITED STATES FUNDS,)
)
Defendant.)

CONSENT ORDER FOR STAY

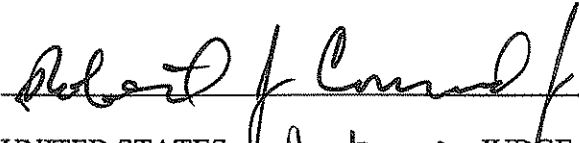
This matter is before the Court on a request by the government and Arthur James Babinski / ABJ Properties, LLC, dba East Coast Imports (collectively, "claimants"), through counsel, that this civil forfeiture case be stayed pursuant to 18 U.S.C. §981(g), pending resolution of a related criminal investigation. The parties have agreed and represent to the Court, and the Court finds:

1. In response to a notice of administrative forfeiture, claimants, through counsel, submitted a claim that was received by the Internal Revenue Service on June 17, 2010. The administrative claim asserts an interest in the defendant property, which was seized by the IRS pursuant to seizure warrants on or about March 23 and 29, 2010.
2. Following referral of this matter to the U. S. Attorney's Office, the government, as permitted by 18 U.S.C. §983(a)(3)(A), filed the complaint herein on September 3, 2010.
3. Also on September 3, 2010, the Clerk issued a warrant of arrest in rem.
4. On or about September 7, 2010, within the 120 days permitted by Fed. R. Civ. P. 4(m), the government served a copy of the complaint on claimants.
5. The government has advised claimants' counsel that a related criminal investigation is pending. The government and claimants agree that a stay of this case at this point will avoid both interference with the government's investigation and possible prejudice to claimant Babinski's Fifth Amendment rights.

6. The government and claimants have agreed that a stay should be without prejudice to claimants' rights to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted. Counsel for claimants has filed or will file a notice of appearance herein, and both the government and claimants shall have the right to file a motion to lift the stay at any time, and the non-moving party shall have the right to oppose such a motion.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

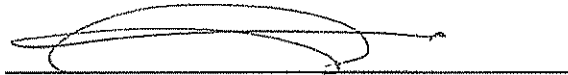
Signed this the 21 day of October, 2010.


UNITED STATES District JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

UNITED STATES OF AMERICA


WILLIAM A. BRAFFORD
ASSISTANT UNITED STATES ATTORNEY


ANTHONY G. SCHEER
ATTORNEY FOR CLAIMANTS

October 20, 2010
DATE

9-14-10
DATE